

ARTICLE VI
PLANNED REDEVELOPMENT OVERLAY DISTRICT

SECTION 601 PLANNED REDEVELOPMENT (PR) OVERLAY DISTRICT

A. PURPOSE

The purpose of the Planned Redevelopment Overlay District (PR) is to provide a mechanism for the redevelopment, rehabilitation, and general improvement of certain older areas within the Town of Easton that have fallen into a somewhat neglected or dilapidated state or have simply been used for a purpose that no longer serves the health, safety or general welfare of the neighborhood. PR applications may be submitted only if the project is located within the Planned Redevelopment Overlay District. However, this mechanism is optional and shall not be required of all projects located within this zone. Projects not being developed in accordance with PR District standards shall be developed in accordance with the development standards of the underlying base zoning district.

The nature, size, scale or intensity of a proposed uses may cause a particular site not to be suitable for a specific PR proposal. Therefore, there is no general presumption that an application for such a use at a particular location is valid, inures to the general benefit of the Town, is compatible with surrounding uses, or is in compliance with the Town's Comprehensive Plan. Instead, each application will be evaluated according to its particular location and the degree to which the developer is willing or able to propose a development plan which ameliorates possible adverse impacts and furthers the goals and objectives of this Section and the Ordinance generally.

B. DEVELOPMENT STANDARDS

Development within the Planned Redevelopment Overlay District shall meet the following requirements:

- (1) The area proposed for a planned redevelopment shall be in one (1) ownership, or, if in several ownerships, the proposal shall be filed jointly by all the owners of the property included in the development plan.
- (2) The site shall be of a configuration suitable for the development proposed.
- (3) Public water and sewerage shall be available.
- (4) The site shall be located adjacent to adequate transportation facilities capable of serving existing traffic and that expected to be

generated by the proposed development.

- (5) The overall residential density of a Planned Redevelopment project shall not exceed twenty (20) units per gross residential acre. For the purposes of this subsection, the gross residential area shall include all land within the area intended to be used for residences, residential parking space, and reservation for community recreation and education facilities. Any land mapped as floodway by the Federal Emergency Management Agency, and non-residential uses shall be excluded in computing the gross area. The Planning Commission may require a lower density if review of the proposed development indicates that the maximum allowable density is excessive for the surrounding area.
- (6) Adequate Common Open Space shall be provided for new infill development projects. Such space shall include land area to be developed as recreational areas or which is designated for the common use of all occupants of the planned redevelopment but shall not include streets, off-street parking areas or incidental landscaping within off-street parking areas. The Planning Commission must be furnished satisfactory evidence that such open space will be continued and that provision is made for its perpetual maintenance.
- (7) For new infill development projects, the setback, lot size, lot coverage, height, and yard requirements shall be established for each individual project by the Planning Commission. In establishing these requirements the Planning Commission shall consider such factors as the proposed intensity of the project and the existing character of the neighborhood.
- (8) Adequate parking shall be provided for the proposed use as approved by the Planning Commission.
- (9) Sidewalks shall be constructed along any public right-of-way (except for alleys) adjacent to the site along the entire frontage(s) of the property. To the extent practicable, walkways shall be constructed on the site to tie building entrances and/or pedestrian pathway systems into existing or proposed public sidewalk systems. The Planning Commission may waive the requirement for sidewalks on a given lot if they find that pedestrian circulation is adequately addressed without them. In such circumstances the requirement shall not be simply waived, but rather it may be satisfied by either the payment of a fee-in-lieu of constructing the sidewalk (which shall be based on the Town of Easton's estimate of the cost of constructing a sidewalk on the site in question) or the

1 construction of a comparable length sidewalk on another site (or a
2 combination of the two options) and dedication of an acceptable
3 easement area for sidewalks for potential future construction of
4 sidewalks on the site.
5

6 C. APPLICATION PROCEDURE
7

8 Applications for PR projects shall be reviewed in accordance with the following
9 procedures, depending upon the type of project.
10

11 (1) Applications that represent new infill development shall proceed in
12 accordance with the requirements of Section 301 of this Ordinance.
13 Where the underlying zoning district is residential (any "R" district)
14 the new infill development must be a use otherwise permitted in said
15 underlying district. Where the underlying zoning district is non-
16 residential, any use may be proposed and the Planning Commission
17 may approve the application based on the site plan review findings and
18 standards of Section 301. No use indicated as "prohibited" in all
19 zoning districts shall be permitted in the PR Overlay.
20

21 (2) Applications for the adaptive reuse of existing buildings shall be
22 reviewed as follows:
23

24 a. Requests to change to a permitted use (in the underlying zoning
25 district) that requires less parking than the previous use shall be
26 approved with no review beyond that required for a building
27 permit (if any).
28

29 b. Requests to change to a permitted use (in the underlying zoning
30 district) that requires more parking than the previous use shall be
31 reviewed in accordance with the Site Plan Review standards as
32 outlined in Section 301 of this Ordinance.
33

34 c. Requests to change to a use that is not permitted in the underlying
35 zoning district may be reviewed in accordance with the standards
36 for Site Plan Review (Section 301).
37

38 d. Regardless of subsections a through c above, in any residential
39 ("R") zoning district, only uses that are permitted in the underlying
40 zoning district may be proposed for the adaptive reuse project.
41

42 (3) Applications for renovations, alterations or additions to existing
43 improved lots which violate the prescribed setback of the underlying
44 zoning district, but are no closer to the property line than the existing
45 structure shall be reviewed by the Town Planner. The application shall
46 furnish the Town Planner with a site plan with enough information to

1 permit an adequate review of the request. If approved by the Town
2 Planner, nothing more than a building permit shall be required for such
3 requests. Nothing in this provision, however shall permit construction
4 in violation of the Town's Building Code without a Variance from said
5 Code.
6

7 Applications for renovations, alterations or additions to existing
8 improved lots which both violate the prescribed setbacks of the
9 underlying zoning district and are closer to the property line than the
10 existing structure(s) shall be reviewed by the process prescribed above
11 for new infill development (i.e. the Site Plan Review Standards of this
12 Ordinance as prescribed in Section 301).
13

14 (4) Requests to demolish and redevelop properties shall be reviewed in
15 accordance with the Site Plan Review standards as outlined in Section
16 301 of this Ordinance.
17

18 (5) Applications for properties that are presently or have most recently
19 been used for any Institutional Use may either (1) continue to be used
20 for said Institutional Use, (2) convert to any other permitted
21 Institutional Use, or (3) be converted to any use permitted in the
22 underlying zoning district.
23

24 (6) The Town may require the execution of a Public Works Agreement as
25 a condition of approval of any PR project. If required, said Agreement
26 shall outline the standards and responsibilities associated with the
27 proposed project and shall be prepared in a format acceptable to the
28 Town Attorney.
29

30 D. AMENDMENTS TO APPROVED PR APPLICATIONS

31
32 Amendments to approved PR applications shall be reviewed under the same
33 standards prescribed above for new projects.
34

35 E. DESIGNATION OF FUTURE PLANNED REDEVELOPMENT OVERLAY 36 DISTRICTS

37
38 In the future, additional lands may be designated as Planned Redevelopment
39 Overlay. The process for so doing is as follows:
40

41 (1) An application for Planned Redevelopment Overlay District
42 Zoning shall be filed with the Town Planner and forwarded to the
43 Planning and Zoning Commission for a recommendation before
44 proceeding to the Town Council.
45

46 (2) The application for PR Overlay District Zoning shall include a map

1 of the area proposed for the designation and shall be accompanied
2 by a metes and bounds description of the proposed zoning
3 boundaries as well as a complete listing of the names and
4 addresses of all property owners within the proposed PR Overlay
5 District.
6

7 (3) The area proposed for PR Overlay District Zoning shall be
8 contiguous and at least five (5) acres in size, unless the proposed
9 PR Overlay District is an extension of an existing PR Overlay
10 District.
11

12 (4) The application for establishing a new PR Overlay District shall be
13 accompanied by a land use and housing/building survey which
14 analyzes the appropriateness of the existing zoning, the conditions
15 of the housing or commercial or industrial buildings within the
16 proposed PR zone, etc.
17

18 (5) The application shall include a petition or similar device indicating
19 the support of the owners of at least fifty-one (51%) percent of the
20 lots within the proposed PR District.
21

22 (6) The Planning and Zoning Commission may require whatever
23 additional studies or reports it deems necessary to adequately
24 analyze the application.
25

26 (7) The Planning Commission shall make and forward a
27 recommendation to the Town Council who shall schedule and hold
28 a Public Hearing on the application in accordance with the
29 provisions of Section 1403 of this Ordinance.
30

31 (8) The Town Council shall vote as to whether or not to approve the
32 proposed PR Overlay District. Before approving a request, the
33 Town Council must make the following findings:
34

35 a. The structures within the proposed PR District are
36 predominately in need of rehabilitation, deteriorated, or
37 built to zoning (or before any zoning) that no longer is
38 appropriate for the area.
39

40 b. The creation of the PR Overlay will allow for the
41 rehabilitation and redevelopment of an area of the Town of
42 Easton that is in need of such action.
43

44 c. The creation of the PR Overlay District will not cause
45 undue traffic nor overburden the Town's community
46 facilities (water, sewer, solid waste, etc.).

1
2 If the Town Council makes an affirmative finding of fact as to each of the criteria listed
3 above, the Council may enact an ordinance granting the proposed PR district creation or
4 expansion. The fact that an application for a PR district creation or expansion complies
5 with the specific requirements listed above shall not require the Town Council to grant
6 the application. The ordinance shall be subject to approval by the Mayor in accordance
7 with the provisions of the Town Charter relating to mayoral vetoes.
8

9 The "change/mistake" rule, as codified in Maryland Annotated Code Article 66B Section
10 4.05 is not applicable to the creation or expansion of PR districts nor to any project
11 submitted in accordance with the regulations of this subsection.
12

13 G. Site Plan Review and Action.
14

15 The review processes described in subsection C above shall represent the initial step in
16 the PR review process. Successful applications shall subsequently follow the appropriate
17 steps for the type of project submitted and the applicant shall prepare and submit for
18 review by the Planning Commission a preliminary and a final site/subdivision plan in
19 accordance with the site plan requirements specified in Subsection 301.3.B. of this
20 Ordinance and/or the requirements of the Town of Easton Subdivision Regulations.
21
22
23